D.B.CIVIL SPECIAL APPEAL N0. 14/2007
Gopal & ors. v. Poona Lal

Date of order : 19.02.2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri Narendra Singh for the appellant

This special appeal is directed against the order of the learned Single Judge dated 24.8.2006 dismissing the appeal of the appellants. The appellants had filed appeal against the order of the trial court dated 13.6.2006 in Suit no. 15/2006 directing status quo with respect to the suit land. The suit has been filed by the respondent for cancellation of sale-deed to the extent of his share contending that the property is ancestral and defendant no.1 has no authority to sell the land to defendant no.2. The crux of the dispute is whether the property is ancestral or self acquired of defendant no.1 as contended by him. The trial court found prima facie case in favour of the plaintiff which has been affirmed by the learned Single Judge. After hearing counsel for the appellant we find no ground to take a different view.

It was submitted that no injunction can be issued against the purchaser and in this regard reliance was placed on Varidoti Nagaraju

& anr. v. Varikoti bhardatah & ors., AIR 2006 AP 86. By the order impugned the parties have been merely directed to maintain status quo and we do not think having regard to the nature of the dispute, the order warrants any interference.

The appeal is dismissed.

(GOVIND MATHUR) J. (S.N.JHA), C.J.

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